

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

195Q0239

HOUSE JUDICIARY ENGROSSED NO. **HB 1036** 2/23/2009

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to require the redaction of certain numbers before
2 furnishing copies of information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 57A-9-523 be amended to read as follows:

5 57A-9-523. (a) If a person that files a written record requests an acknowledgment of the
6 filing, the filing office shall send to the person an image of the record showing the number
7 assigned to the record pursuant to § 57A-9-519(a)(1) and the date and time of the filing of the
8 record. However, if the person furnishes a copy of the record to the filing office, the filing office
9 may instead:

10 (1) Note upon the copy the number assigned to the record pursuant to § 57A-9-519(a)(1)
11 and the date and time of the filing of the record; and

12 (2) Send the copy to the person.

13 (b) If a person files a record other than a written record, the filing office shall communicate
14 to the person an acknowledgment that provides:



1 (1) The information in the record;

2 (2) The number assigned to the record pursuant to § 57A-9-519(a)(1); and

3 (3) The date and time of the filing of the record.

4 (c) The filing office shall communicate or otherwise make available in a record the
5 following information to any person that requests it:

6 (1) Whether there is on file on a date and time specified by the filing office, but not a
7 date earlier than three business days before the filing office receives the request, any
8 financing statement that:

9 (A) Designates a particular debtor or, if the request so states, designates a
10 particular debtor at the address specified in the request;

11 (B) Has not lapsed under § 57A-9-515 with respect to all secured parties of record;
12 and

13 (C) If the request so states, has lapsed under § 57A-9-515 and a record of which
14 is maintained by the filing office under § 57A-9-522(a);

15 (2) The date and time of filing of each financing statement; and

16 (3) The information provided in each financing statement. However, if the financing
17 statement contains a social security or employer identification number which has not
18 been supplied by the person requesting the information, such number shall be
19 redacted prior to providing the information. In the case of financing statements
20 recorded in the office of the register of deeds, the requirement for redaction of social
21 security or employer identification numbers only applies to financing statements
22 recorded after July 1, 2009.

23 (d) In complying with its duty under subsection (c), the filing office may communicate
24 information in any medium. However, if requested, the filing office shall communicate

1 information by issuing a record that can be admitted into evidence in the courts of this state
2 without extrinsic evidence of its authenticity.

3 A computer printout from the centralized computer system established by the secretary of
4 state constitutes the certificate of the secretary of state as to whether there is on file, on the date
5 and hour stated thereon, a financing statement covering the following collateral: farm products
6 or accounts, or livestock, or general intangibles arising from or relating to the sale of farm
7 products by a farmer, or crops growing or to be grown, or equipment used in farming operations.

8 The secretary of state shall, upon a telephone request, furnish to any person, company, or
9 corporation, information as to whether a financing statement describing farm collateral has been
10 filed in the Office of the Secretary of State and, if such financing statement has been filed, the
11 secretary of state shall also furnish the name and business address of the secured creditor.
12 However, the secretary of state need not answer telephone inquiries in writing nor send written
13 confirmation from a telephone request. The secretary of state is not responsible for accuracy and
14 completeness of the information furnished verbally in response to a telephone request. ~~The~~
15 ~~secretary of state shall provide a toll-free telephone number to provide access for telephone~~
16 ~~requests.~~

17 (e) The filing office shall perform the acts required by subsections (a) through (d) at the time
18 and in the manner prescribed by filing-office rule, but not later than two business days after the
19 filing office receives the request.